IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 24240 of 2004

Between:

M. Penchalaiah, S/o. Penchalaiah,
R/o. Boddecharla Harijanawada, Gopavaram Mandal, Kadapa Dsitrict.

..... PETITIONER

AND

1. The Hon'ble High Court of A.P. Hyderabad. rep by its Registrar (Administration).

2. The Hon'ble District Judge, Kadapa District, Kadapa.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd Respondent in not considering the petitioner to the post of process server/Attender pursuant to his selection to the said post notified in the notification No. 1/1999 issued by the 2nd Respondent as arbitrary, discriminatory, unjust and contrary to Law and consequently direct the 2nd Respondent to appoint the petitioner to the said post under SC category in the existing vacancies, with all consequential benefits, including notional seniority and other attendant benefits monetary and otherwise.

Counsel for the Petitioner:MR.V.JAGAPATHI

Counsel for the Respondents: MR.C.V.NAGARJUNA REDDY S.C. for A.P. High Court

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Even if, as alleged by the petitioner, he was brought in the selected list for being appointed to the post of Process Server, the petitioner cannot claim that directions must be issued to appoint him to the post of Process Server pursuant to his selection. Mere inclusion of a person's name in the selected list does not confer any right on such person to seek directions for appointment. Whether or not the respondents have to fill up all the posts is at the discretion of the respondents. Very vague allegations without any foundation have been made by the petitioner that less meritorious candidates have been appointed without mentioning their names. Without mentioning their names, it is very strange how the petitioner could have made such allegations that persons who are less meritorious have been appointed. We find no substance in the writ petition, which is hereby dismissed.

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DEVINDER GUPTA, CJ

29-12-2004

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M.NARAYANA REDDY, J

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To

1. The Hon'ble the Registrar (Administration) High Court of A.P. Hyderabad.
2. The District Judge, Kadapa District, Kadapa.
3. 2 CCs to the Standing Counsel for the High Court of A.P., Hyderabad (OUT).
4. The Section Officer, Legal Cell, High Court of A.P., Hyderabad (OUT)
5. 2 CD copies.